

EXHIBIT M

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Exhibits 1-7

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
C.A. NO.: 3:16CV30179-MGM

JEAN WILLIAMS, on behalf
of herself and all similarly
situated individuals,

Plaintiff,

v.

CITY OF SPRINGFIELD
DEPARTMENT OF PUBLIC WORKS,
Defendant.

DEPOSITION OF VINCENT DeSANTIS, III
TAKEN AUGUST 16, 2017
AT THE LAW OFFICES OF
BRODEUR-McGAN, P.C.
1380 MAIN STREET
SPRINGFIELD, MASSACHUSETTS

Reporter: Raymond F. Catuogno, Jr.

1 Q. And you worked at the DPW before?

2 A. Correct.

3 Q. So what I'm trying to get a sense
4 of, by way of percentage, is how many people,
5 when you came into the DPW in October of 2013,
6 what percentage of those people had been there
7 when you had left the DPW the first time?

8 A. Okay. I would say like sixty
9 percent of the people I knew.

10 Q. Were you familiar with Jean
11 Williams when you came back to the DPW?

12 A. I knew of her. I had never dealt
13 with her before the first time, when I was here
14 the first time.

15 Q. So you never had any dealings with
16 Jean Williams when you were first at the DPW?

17 A. Never.

18 Q. Never talked to her on the phone?

19 A. No. I was just going to say, I was
20 out in the field working, I hardly ever came
21 into the yard. We had our jobs and we went
22 right out to the job, so --

23 Q. Okay. I don't have in my head the
24 physical plant makeup of where the DPW hangs

1 employees.

2 Q. Okay. And as it relates to the
3 snow inspectors, do you know what the City was
4 doing in the 1990 era for snow inspectors?

5 A. Yes, I do.

6 Q. What were they doing?

7 A. We had 12 -- we had 12 routes and
8 we had 12 foremen available for inspecting. We
9 also had 12 working foremen and foremen
10 available for back-up inspectors.

11 Q. Okay. So in the '90s, when you
12 were still with the City?

13 A. Yes.

14 Q. You hadn't left yet?

15 A. No.

16 Q. You personally were familiar with
17 the fact that the City of Springfield had 12
18 snow routes, snow inspection routes?

19 A. Yes.

20 Q. And they had 12 foremen available
21 as primary inspectors to inspect the 12 snow
22 routes?

23 A. Correct.

24 Q. And they also had 12 back-up snow

1 inspectors?

2 A. Correct.

3 Q. Okay. And were you on either one
4 of those lists?

5 A. Yes, I was, I was a primary
6 inspector.

7 Q. And were you familiar, back in the
8 '90s, as to whether or not there was an actual
9 list somewhere that was published or posted or
10 handed out?

11 A. No, I'm not. I just responded to
12 the call.

13 Q. Okay. Do you know if you ever had
14 to apply to be on that list as a primary snow
15 inspector?

16 A. No, we did not. We worked our way
17 up to foreman to become snow inspectors.

18 MS. deSOUSA: I'm going to
19 caution you, this always happens, but
20 you're starting to talk on top of Attorney
21 Brodeur-McGan.

22 THE WITNESS: Oh, I'm sorry.

23 MS. BRODEUR-McGAN: Off the
24 record.

1 A. I worked with a few different
2 foremen on different routes for three or four
3 snow seasons.

4 Q. We were talking about historically
5 what the City had, and you said they only had 12
6 primary inspectors and 12 routes?

7 A. Correct.

8 Q. So just so I can get my brain where
9 you are, when you came in in October of 2013,
10 before you changed anything, how many snow
11 inspection routes were there?

12 A. 20.

13 Q. Do you know who had changed or
14 increased that?

15 A. No, I don't.

16 Q. How many currently are there, snow
17 inspector routes?

18 A. It's a difficult question because I
19 just changed it. Do you want what happened last
20 winter or what's going to happen this winter?

21 Q. Why don't you tell me both. So
22 when you came in the City in 2013, October,
23 there were 20 snow inspection routes?

24 A. Correct.

1 Q. And then, was that changed after
2 you came in?

3 A. Not at that time.

4 Q. At some point, was it changed?

5 A. Not yet.

6 Q. When was the first time it was
7 changed?

8 A. This winter.

9 Q. When you say this winter, you're
10 talking about --

11 A. This coming winter, I'm going to
12 change it.

13 Q. Oh, it's going to be changed?

14 A. Correct.

15 Q. I see. So it hasn't been changed
16 yet?

17 A. No.

18 Q. Or it's been changed, but not
19 implemented?

20 A. It's not implemented. I worked on
21 the routes all summer.

22 Q. And what did you do?

23 A. I knocked it down to 15 routes.

24 Q. Why did you do that?

1 A. Because I had -- there are a few
2 inspectors out there that are not ready for
3 being primary inspectors, so I'm going to have
4 them have some more training.

5 Q. Who are those people?

6 A. Do you mean by names?

7 Q. Yes.

8 A. Okay. Tyrone Holt, Luca Mineo,
9 Edward Cunningham, and -- I hate to give you
10 names because I haven't told these guys yet.

11 MS. BRODEUR-McGAN: We can
12 reach a confidentiality agreement, we can
13 talk about it, like for a certain period
14 of time.

15 A. I was going to do it right after
16 Labor Day.

17 MS. deSOUSA: Yes. If we
18 could not have those names released to
19 your client, until they've heard it from
20 Mr. DeSantis.

21 MS. BRODEUR-McGan: Off the
22 record.

23 (Off-record conference)

24 MS. BRODEUR-McGAN: Back on

1 the record. Going on the record, Mr.
2 DeSantis, I'm going to have you give me
3 the list of people, and then when we are
4 off the record, Attorney deSousa and
5 myself have agreed to reach a
6 confidentiality agreement as to those
7 names to protect the thing that you're
8 concerned about.

9 THE WITNESS: Okay.

10 Q. (By Ms. Brodeur-McGan) So the
11 names of the people, you said Holt, Mineo,
12 Cunningham, and who else?

13 A. Will Ward and Edel Alvarado.

14 Q. Edel is a man?

15 A. Yes, he is.

16 Q. Okay. And that's the first name on
17 Exhibit 3?

18 A. Yes.

19 Q. And these are the five names that
20 are going to be removed from the primary
21 inspectors' list?

22 A. I'm going to do it a little more
23 delicately than that. I'm going to tell them
24 that they need a little more experience and

1 they're going to have to get some more training.

2 Q. And I understand you have not told
3 these people yet?

4 A. No, I have not.

5 Q. And so, what type of additional
6 training do you believe they need?

7 A. This will have to go with a more
8 experienced inspector and see how they handle
9 themselves.

10 Q. Were there specific issues with
11 these five people and their job performance?

12 A. I seem to get a lot of complaints
13 from their areas, a lot more than I should have.

14 Q. And just as an example, it's fair
15 to say Edel Alvarado has been on the list since
16 at least 2012?

17 A. He has been there quite some time.

18 Q. And was Edel alvarado ever trained
19 on the routes?

20 A. I don't know.

21 Q. And Will Ward also has been on the
22 list since 2012. Do you know if Will Ward has
23 ever been trained on the snow inspection job?

24 A. I don't know.

1 Q. And Ed Cunningham, he's been on all
2 the lists that I've seen, do you know whether or
3 not he has been trained previously?

4 A. I'm not sure. These names were all
5 here -- the names I'm giving you were all there
6 when I arrived in Springfield, so I don't know
7 the extent of their training. I wasn't happy
8 with it, but that's me.

9 Q. Okay. And so, I'm going to refer
10 you back to page 2 of 7 of Exhibit 4, and I'm
11 going to refer you -- still in the second
12 paragraph which you've already read, and I'm
13 going to point where I'm going to read so you
14 can see it, and then I'm going to read it out
15 loud. So this is page 2 of 7, the second
16 paragraph. "DPW changed the process by creating
17 smaller routes rather than having only 15 around
18 the city. It created smaller ones, resulting in
19 the current 20 routes for snow removal." Do you
20 see that, what I just read?

21 A. Yes, I do.

22 Q. So what time frame did the DPW
23 change the process from 15 to 20?

24 A. I believe -- I'm just recalling the

1 Q. Okay. So I noticed that there were
2 two people that are on the primary snow
3 inspector list that do not have applications
4 contained in 248 through 286?

5 A. Do you know which page? I'm not
6 sure --

7 Q. I think it's the first name,
8 Edel --

9 A. Alvarado?

10 Q. Yes. So do you know how he got on
11 the primary inspectors' list if he never
12 applied?

13 A. No, I don't.

14 Q. And he's actually one of the people
15 who you have an issue with being a primary
16 inspector?

17 A. Yes, I do.

18 Q. Did you put him on that list to
19 become a primary inspector in 2013?

20 A. No, I did not.

21 Q. Did you put him on the 2014 list?

22 A. Yes, I did.

23 Q. And why did you do that?

24 A. I hadn't made a full inquiry into

1 everything, I was still sorting everything out.

2 Q. Do you know a Luis Astacio,
3 A-S-T-A-C-I-O?

4 A. No, I don't know him, I know of
5 him.

6 Q. Do you know if that's how you spell
7 his last name?

8 A. Yes, it is.

9 Q. And the name that did not apply,
10 that is, primary inspector, Jacob Sedin?

11 A. Jacob Seldin, S-E-L-D-I-N.

12 Q. Do you know how it is that he
13 became a primary inspector and didn't apply for
14 it?

15 A. He was there when I arrived.

16 Q. So of the names that are listed --
17 let's look at the primary inspector list. So
18 you produced for me, and -- I'm going to show
19 you Exhibit 2.

20 A. Okay.

21 Q. And I'm referring to the Primary
22 Inspectors List.

23 A. Mm-hmm.

24 Q. Now, this list of 2013, I'm only

1 Q. Okay. So of the 26 names, six of
2 them are not snow inspectors. So we have 20
3 names as snow inspectors that were primary
4 inspectors in 2013?

5 A. Correct.

6 Q. So can you explain, if there were
7 20 listed snow inspectors when you came in in
8 2013, why did you need to post for new ones?

9 A. I don't know why. That's a program
10 I stopped.

11 Q. Okay. Tell me about when you
12 stopped the program.

13 A. At the end of the 13/14 season I
14 stopped it.

15 Q. At the end of the 13/14 snow
16 season?

17 A. Yes.

18 Q. You stopped what?

19 A. The write-in for snow inspectors.

20 Q. Is that because you didn't need new
21 snow inspectors?

22 A. Not necessarily, no, it was because
23 I was getting applications from outside the
24 department of people who had no base knowledge

1 of snow removal at all, that never drove the
2 city streets. They're in offices, they're doing
3 their other jobs, and they just thought they
4 could come out and inspect snow, and I couldn't
5 train them all. There are only 5, 6 plowable
6 snowstorms in a season, you can't possibly train
7 25 applicants.

8 Q. And -- so you're not saying that
9 there wasn't a need to retain additional snow
10 inspectors?

11 A. No. There's always a need for
12 back-up inspectors. My primary inspectors, they
13 come in every storm.

14 Q. Did you add to the list of primary
15 inspectors since 2014?

16 A. There have been retirees, yes.

17 Q. So you're just saying to me that
18 you just stopped posting, that you were going to
19 hire primary snow inspectors?

20 A. Right.

21 Q. And that you changed the method
22 with how you were going to select the primary
23 inspectors?

24 A. Yes.

1 Q. And that you no longer were going
2 to post that people could apply for that job?

3 A. Correct.

4 Q. And part of the reason why you
5 changed it is because people were applying that
6 you believed were not qualified?

7 A. Correct.

8 Q. And one of the things that you
9 mentioned is, you said people applied that never
10 drove the city streets?

11 A. Correct.

12 Q. And what do you mean by that, never
13 drove the city streets?

14 A. The people in the primary
15 inspectors, they're out on the city streets
16 every single day. They know the city in and
17 out, it's just -- it's different than just
18 driving, you know, going from place to place in
19 Springfield. You're actually working, you have
20 to know where you're going, you have a job to
21 do, you have to know where it is, you have an
22 emergency, you have to know the quickest way to
23 get there.

24 Q. So are you telling me that you

1 personally will not hire anybody as a primary
2 snow inspector who hasn't driven the streets in
3 the capacity of a job working in the snow for
4 the City of Springfield?

5 A. I don't consider them, no.

6 Q. Okay. So I'd like to look at the
7 job description, and if we could, I'm going to
8 move this over here.

9 A. Go back to this.

10 Q. Put that away and we'll go back to
11 this. If you could turn to Bates Stamp 139, the
12 job description 2012?

13 MS. deSOUSA: I'll need to
14 look over your shoulder on this one.

15 MS. BRODEUR-McGAN: It's
16 Exhibit 3.

17 MS. BRODEUR-McGAN: Off the
18 record.

19 (Off-record conference)

20 MS. BRODEUR-McGAN: Back on
21 the record.

22 Q. (By Ms. Brodeur-McGan) The job
23 description, sir, appears on -- is this a copy
24 of the job description that was posted in

1 posting of 141?

2 A. I believe so.

3 Q. Okay. And I have not seen a job
4 description for snow route inspector from the
5 2013 time frame. Do you know if there was one
6 in existence?

7 A. I do not know.

8 Q. If you could look at 139, can you
9 tell me, did you ever change the content of the
10 job description that is contained on 139 for
11 purposes of the job description for snow route
12 inspectors?

13 A. I did not.

14 Q. Do you have any information, and
15 I'm going to refer you to the bottom portion of
16 139, it says, knowledge, skills and abilities,
17 and it lists various things underneath that
18 section of 139. Do you know who drafted that
19 portion of the job description?

20 A. No, I don't.

21 Q. Do you know who drafted any portion
22 of the 139 job description?

23 A. No, I don't.

24 Q. Did you ever add to the job

1 description for snow route inspectors?

2 A. No, I did not.

3 Q. Do you know of anybody who changed
4 it since 2012?

5 A. No, I don't.

6 Q. Have you personally ever been
7 involved with changing job descriptions for
8 anybody within the DPW?

9 A. In this DPW?

10 Q. Yes.

11 A. No.

12 Q. Just so I'm clear, since you were
13 deputy director, you personally have never
14 changed a job description of any DPW employee?

15 A. No, I did not.

16 Q. And you've never been involved with
17 changing any job descriptions of any employee
18 while you have been a deputy director?

19 A. No, I have not.

20 Q. And sitting here today, you have no
21 information about how the job descriptions were
22 originally created?

23 A. No, I don't. This didn't exist
24 when I was here. This was made up during this

1 time.

2 Q. Okay. When you say this, you're
3 referring to 139?

4 A. Yes.

5 Q. So when you were first working for
6 the DPW for Springfield, as far as you knew,
7 this snow route inspector job description that
8 I'm looking at on 139 did not exist?

9 A. No, it did not.

10 Q. And to your knowledge, were there
11 any job descriptions for snow route inspectors
12 in existence when you were first working for the
13 DPW?

14 A. No, there were not. It was part of
15 being a foreman.

16 Q. Okay. So this is a separate
17 question, and I'm referring to the time when you
18 first worked for the City of Springfield in the
19 DPW, okay, when you were either a foreman or a
20 laborer. When you -- did you ever inspect
21 snowplow jobs in your capacity as either foreman
22 in the earlier days or as a laborer?

23 A. As a foreman.

24 Q. And when you inspected as a foreman

1 currently for snow route inspectors?

2 A. Straight time is 30 dollars an hour
3 and overtime would be 45.

4 Q. Okay. And from -- and let's -- I
5 want to talk about snow inspector time frame.
6 So you talk about winter, so you say 2013 winter
7 to 2014 winter?

8 A. Yes.

9 Q. 2014 winter to 2015 winter?

10 A. Yes.

11 Q. And 15 to 16?

12 A. Yes.

13 Q. Okay. So for 13 to 14 and 14 to
14 15, and 15 to 16, what was the rate of pay for
15 snow route inspectors?

16 A. It hasn't changed since 2013, it's
17 been the same.

18 Q. So the 30 and the 45?

19 A. Yes.

20 Q. And how about for 2012 to 2013,
21 what was the rate of pay?

22 A. I would have to look at the
23 posting, the letters, because it was -- I think
24 it was less.

1 Q. Okay. So if you look at 140, that
2 rate of pay published on that would be 13 to 14
3 snow year?

4 A. Yes.

5 Q. Okay. And so you're saying, in
6 order for you to tell me what the rate of pay
7 was from 12 to 13, you would have to look at
8 what?

9 A. 141.

10 Q. Okay. And what was the rate of
11 pay?

12 A. It says 25 dollars an hour.

13 Q. So do you believe that that pay of
14 25 dollars an hour was used for snow inspectors
15 that worked from 2012 to the 2013 winter?

16 A. I believe so. If it was there,
17 they'd have to pay that rate.

18 Q. Could they pay more?

19 A. No, they would pay what it says.

20 Q. What it says on 141?

21 A. Yes.

22 Q. And what document -- and you can
23 use the name of the document or what you call
24 the document, what other documents would you be

1 able to look at to confirm that the employees
2 that were working as snow route inspectors from
3 the 2012 to the 2013 winter were getting paid 25
4 dollars an hour?

5 A. I think you'd have to go through
6 the payroll of that time frame.

7 Q. The payroll of that time frame?

8 A. Yes. If an employee -- because of
9 union regulations, if an employee was already --
10 if an employee was already making over 25
11 dollars, like say one of the engineers, you
12 can't cut his pay to 25 to make him at the
13 snow -- he would get his regular rate.

14 Q. And what regulation do you believe
15 says that?

16 A. They have the union contracts.

17 Q. Could it be part of the selection
18 process that you were not going to hire people
19 that were making 40 dollars an hour to do a 25
20 dollar an hour job?

21 A. I don't know their thinking at that
22 time.

23 Q. Did you involve that in your
24 thinking when choosing who the primary

1 inspectors would be?

2 A. No.

3 Q. So is it also currently true that
4 if there were primary inspectors on the list, if
5 they were making more for their other job, then
6 they would be getting paid more than 30 dollars
7 or 45 dollars an hour for overtime for the job
8 of snow inspector?

9 A. Can I clarify?

10 Q. Yes.

11 A. The 45 dollars is the overtime
12 rate. No matter what their pay scale, that 45
13 stands on overtime. I don't know what they make
14 per se, but let's say an engineer was making 32
15 dollars an hour, and the storm happened on
16 straight time, I could not pay him 30, I would
17 have to pay him his rate of pay.

18 Q. SO where do you think it says that?

19 A. In the union contract.

20 Q. And you're telling me that when you
21 personally were involved with selecting who the
22 primary inspectors would be, you did not
23 consider whether or not their pay rate was
24 higher than the published rate?

1 A. No.

2 Q. And you're telling me that you
3 believe the union contract requires you to pay
4 more if their single time rate was higher?

5 A. Their rate is stated in the
6 contract, yes.

7 Q. Okay. Do you know if the -- so let
8 me understand one other thing. As far as you
9 understand, there was no posting for snow route
10 inspectors until the first time in 2012?

11 A. To the best of my knowledge, yes.

12 Q. And then in 2012, this was a
13 discrete job, snow route inspector?

14 A. That's what it appears to be, yes.

15 Q. As well as 2013, it was a discrete
16 job, snow route inspector?

17 A. Yes.

18 Q. And in 2014, the 14 to 15, was
19 there any longer a discrete job of snow route
20 inspector?

21 A. I did not post it, no.

22 Q. So is there still currently,
23 however, a discrete job of snow route inspector
24 from 2014 to 2015 year?

1 A. No, I did not.

2 Q. And is it fair to say that you did
3 not talk to anybody in, say, HR, about adding
4 that as a required ability for the purpose of
5 the job description for snow route inspectors?

6 A. No, I did not.

7 Q. I'm going to step back a little
8 bit. In your journey as a supervisor and
9 working for either the West Springfield DPW or
10 Springfield DPW, or any other employer, were you
11 ever familiar with the term of industrial
12 organizational psychologist?

13 A. No.

14 Q. Do you know anything about
15 something called job studies done by -- and
16 we're going to call those IOs, industrial
17 organizational psychologist?

18 A. No.

19 Q. Did you know anything about
20 validation studies for purposes of determining
21 job descriptions and essential functions of
22 jobs?

23 A. No.

24 Q. Have you ever heard anything about

1 that?

2 A. No.

3 Q. Okay. So it would be fair to say
4 that your desire to add to a job description of
5 the ability to know the roads in a snowstorm and
6 have driven them, is not something you've
7 discussed with an expert?

8 A. No.

9 Q. And not something you've discussed
10 with an IO?

11 A. No. It comes from my 32 years of
12 doing this job.

13 Q. Okay. Now, let's get to who and
14 how the lists of those inspectors were created
15 and what you were involved with.

16 MS. BRODEUR-McGAN: Off the
17 record.

18 (Off-record conference)

19 MS. BRODEUR-McGAN: Back on
20 the record.

21 Q. (By Ms. Brodeur-McCan) This is a
22 clean-up question. If you could turn to 131 and
23 132, which, for counsel's purpose, is part of --
24 so in your own words, are you familiar with what

1 you're looking at, to the left of the document,
2 under this thing called job, it says 4616?

3 A. Yes, that's the snow inspecting
4 code.

5 Q. That's my question. So 4616 indeed
6 is the snow inspection code?

7 A. Yes.

8 Q. And you know that for sure?

9 A. I do.

10 Q. Okay. And then the 0519 code, that
11 is her other job, correct?

12 A. Yes.

13 Q. Okay. And so, can I now read this
14 document and look for any time she's paid under
15 the job code 4616 and determine that she did
16 snow inspection work?

17 A. Yes. I found another one.

18 Q. Okay, good. 183?

19 A. 183.

20 MS. deSOUSA: Is that page 20?

21 THE WITNESS: It's page 36.

22 Q. (By Ms. Brodeur-McGan) We also
23 have the code 4616, under the date -- and by the
24 way, what is the date on this one? We may need

1 not created just for the lawsuit, these are
2 payroll records?

3 A. Yes.

4 Q. And would you believe that these
5 are reliable copies of the actual documents?

6 A. Yes.

7 Q. And does the City typically print
8 these or are these -- is this information
9 typically kept within the Munis system?

10 A. Kept in the Munis system.

11 Q. Okay. Did you ever, in preparation
12 for this case or in preparation for today's
13 deposition, look at these specific documents,
14 148 through 246, to determine how many snow
15 inspector jobs or times Ms. Williams worked?

16 A. I didn't go through these
17 documents, no.

18 Q. Okay. So sitting here today -- and
19 by the way, these only go back to 2012, correct,
20 these Bates Stamp numbers?

21 A. Yes.

22 Q. Do you know whether or not she
23 worked as a snow route inspector prior to
24 January 2012?

1 A. No, I don't.

2 Q. Do you have an understanding of how
3 many times Ms. Williams worked as a snow route
4 inspector other than what we've just looked at
5 here?

6 A. No, I don't. The only days I know
7 of are the ones in February of '14.

8 Q. Okay. I don't want to confuse you
9 by the next question. So prior to coming here
10 today, did you know -- and prior to just looking
11 at this, did you know how many times
12 Ms. Williams worked as a snow route inspector,
13 ever, for the City of Springfield?

14 A. Just from when I was here.

15 Q. Okay. When you were here, meaning
16 when you were at the DPW from 2013 forward, you
17 knew whether or not she worked as a snow route
18 inspector?

19 A. Correct.

20 Q. So did you know whether or not she
21 ever worked as a snow route inspector prior to
22 2013?

23 A. That I do not know.

24 Q. Okay. Did you ever ask her or

1 anybody else if she had?

2 A. No, I did not.

3 Q. Do you know whether or not you
4 could search the Munis system and ask it to
5 print out all people who ever got paid under
6 code 4616?

7 A. I would have someone do it, I
8 guess.

9 Q. But it's doable?

10 A. It's doable.

11 (Time stamped at 11:56 a.m.)

12 MS. BRODEUR-McGAN: Please
13 mark that question.

14 (Question marked in Index)

15 MS. BRODEUR-McGAN: At some
16 point, I am going to ask that the City of
17 Springfield produce the persons paid under
18 code 4616 from the period of 2010 to 2017,
19 which I think is part of Schedule A of the
20 deposition notice anyway, the 30(b)(6), so
21 it's part of what we've already discussed,
22 but I think that's the easier way to find
23 it.

24 MS. deSOUSA: Okay. I'll look

1 basically snow costs, who worked.

2 Q. Okay. And it says Work Order
3 Details-JPR. What is JPR?

4 A. John Rooney. I don't know his
5 middle name. He developed this report.

6 Q. And this report is divided by
7 years, is that fair to say?

8 A. By storms. Each storm has its own.

9 Q. So Bates stamp 311, which is the
10 first one, is a storm that would have been
11 December 17, 2013, that ended December 18,
12 2013 -- strike that.

13 So the first three pieces of paper
14 which are Bates stamp 311, 312 and 313, are from
15 a storm where it says, start date, December 17,
16 2013, that would be the start of a storm,
17 correct?

18 A. Correct.

19 Q. And then stop date December 18,
20 2013?

21 A. Correct.

22 Q. So this would be one storm?

23 A. Yes.

24 Q. And it would be details of who

1 worked that storm?

2 A. Who worked, who -- yes, who worked
3 and their hours.

4 Q. Okay. And can we also determine
5 how much they were paid by looking at the costs
6 column on these documents?

7 A. Yes.

8 Q. And we can actually determine how
9 much they were paid based on how many hours they
10 worked, dividing it into the costs column?

11 A. Yes.

12 Q. And we could also determine if they
13 were overtime hours or regular hours?

14 A. Yes. They are displayed under the
15 columns.

16 Q. Okay. Now, I noticed from looking
17 at these Bates stamps 311 through 326, that
18 sometimes names are repeated?

19 A. The system can only -- it can't
20 take a name and split up the overtime from the
21 regular time, so you have to put it in twice.

22 Q. Okay. And on Bates stamp 313,
23 there are two Williams listed on that last page?

24 A. Yes.

1 fact -- his name is not in the application list
2 of applications that we have?

3 A. Okay, yes.

4 Q. And again, you told me there is a
5 set of 2013 applications you believe that
6 existed?

7 A. I do, I just never found them.

8 Q. Okay. Did you circle the names
9 that are on Bates Stamp 314 through 317?

10 A. Yes.

11 Q. And why did do you that?

12 A. To show that they were inspectors.

13 Q. And why is that relevant?

14 A. Well, that's what I thought this
15 was about.

16 Q. Okay. So are there people that are
17 not inspectors that are listed on 314 through
18 317?

19 A. Yes, there are.

20 Q. Okay. So let me -- I'm not sure I
21 understand this, so let me try to understand a
22 little better. So 314 through 317 lists
23 everybody who worked a particular storm?

24 A. Yes.

1 listed on Exhibit 5?

2 A. Yes.

3 Q. And backups listed on Exhibit 5?

4 A. Yes.

5 Q. And does the document differentiate
6 between the two?

7 A. No.

8 Q. Would you be able to look at this
9 and tell me which ones were backup and which
10 ones were primaries for the relevant years
11 listed?

12 A. Yes.

13 Q. And how would you be able to tell
14 me that, is it based on something from the
15 document or just from your head?

16 A. Just from my head.

17 Q. So basically, it's only in your
18 head who the primaries versus the backup
19 inspectors were for the years listed on Exhibit
20 5?

21 A. Yes.

22 Q. Did you ever reduce it to one
23 list -- that was a bad question -- strike that.

24 The list that's in your head that

1 was primary versus backup?

2 A. Yes.

3 Q. Did you ever reduce that to writing
4 and differentiate between the two?

5 A. Yes.

6 Q. And have you seen that list?

7 A. Yes.

8 Q. Okay. And do you have that list in
9 your hand?

10 A. Yes.

11 MS. BRODEUR-McGAN: Let's mark
12 that as Exhibit 6.

13 (Exhibit 6, Revised Inspecting List for
14 2015/16 Season, marked for identification)

15 Q. (By Ms. Brodeur-McGan) In your own
16 words, what is Exhibit 6?

17 A. This was my revised inspecting list
18 for 2015/16 season.

19 Q. Okay. And this has the list of
20 primary inspectors and backups?

21 A. Yes.

22 Q. And the backups are contained in
23 the left side of this document?

24 A. Yes.

1 Q. And everybody that's listed under
2 primary in the block was a primary inspector for
3 the 2015 time frame?

4 A. Yes.

5 Q. Actually, this document says 2016
6 on the top, do you see that?

7 A. Right. That's '16.

8 Q. So is there a 2015 one?

9 A. Yes.

10 Q. I'm going to show you something
11 we've already marked, Exhibit 3.

12 A. Yes, okay, this is my newest one
13 for '16.

14 Q. Okay. So Exhibit 6 is the 2016
15 list. Exhibit 3 was the 2015 --

16 A. It should say 15/16 list.

17 Q. So Exhibit 3 should read 2015 to
18 2016 list?

19 A. Right.

20 Q. And Exhibit 6 is just 2016?

21 A. I didn't put it in, but that was my
22 final list from this past winter, 16/17.

23 Q. So Exhibit 6 is actually the list
24 for the 2016 to 2017 winter?

1 A. Yes.

2 Q. And it was the final list?

3 A. Yes.

4 Q. And you did this list, Exhibit 6?

5 A. Yes.

6 Q. And Exhibit 3, did you do this list
7 as well?

8 A. Yes.

9 Q. Okay. And when I say, did you do,
10 there's a couple of elements of did you do. Did
11 you physically type the names or change the
12 names that appeared on Exhibit 3?

13 A. No. These were the ones I kept --
14 I was using from before.

15 Q. I don't understand what you mean.
16 I'm talking about Exhibit 3, which is the 2015
17 to 2016 storm.

18 A. My years are getting mixed up here.

19 MS. deSOUSA: Take your time.
20 While he's reviewing what's in front of
21 him, I just want to note that the
22 documents that he's referring to are part
23 of the supplementation that we gave you
24 this morning to interrogatories, this

1 Exhibit 6.

2 Q. (By Ms. Brodeur-McGan) So maybe it
3 would help if I restate the original question.

4 A. Yes, please.

5 Q. So again, let's step back. My
6 question was, did you ever do -- you talked
7 about things being in your head -- did you ever
8 do a list of primary inspectors and backup
9 inspectors for relevant years?

10 A. For relevant years?

11 Q. For various years.

12 A. Oh, okay. I changed everything for
13 16/17. The only thing I did for 15/16, we had a
14 whole new order of phones come in for all the
15 inspectors to have a city phone, and I changed
16 all the phone numbers.

17 MS. deSOUSA: Can we go off
18 the record for a second?

19 MS. BRODEUR-McGAN: Sure.

20 (Off-record conference)

21 MS. BRODEUR-McGAN: Back on
22 the record. We're going to break for
23 lunch.

24 (A lunch recess was taken)

1 MS. BRODEUR-McGAN: Back on
2 the record.

3 (Exhibit 7, Supplemental Documents, Bates
4 Stamp 353 through 366, marked for
5 identification)

6 MS. BRODEUR-McGAN: Going back
7 on the record, before the deposition
8 started, Attorney deSousa produced
9 additional draft, unsigned copies of the
10 supplemental interrogatories, with
11 additional documents behind it or attached
12 to it. I have collectively marked these
13 new materials given to me today, Bates
14 Stamp 353 through 366, and some of these
15 documents attached hereto were already
16 discussed with the witness, and if they
17 were, we marked them separately earlier in
18 today's deposition. But for purposes of
19 the record, the supplemental production by
20 the defendants on this date is
21 collectively marked as Exhibit 7.

22 Q. Mr. DeSantis, I've had an
23 opportunity -- I'm going to show you Exhibit 7
24 collectively -- I've had an opportunity to look

1 at them and I have some -- just some questions
2 about, you know, how they were created, who
3 created them, and how they were found, if you
4 will, by the defendants for purposes of being
5 produced today. So what I would like you to do
6 first is to look at them so you can get familiar
7 with what's attached.

8 A. Okay.

9 MS. BRODEUR-McGAN: The
10 witness indicates he wants to talk with
11 counsel. We'll go off the record for a
12 second.

13 (A recess was taken)

14 MS. BRODEUR-McGAN: Back on
15 the record.

16 Q. (By Ms. Brodeur-McGan) Mr.
17 DeSantis, I have to tell you, I'm completely
18 confused, and let me tell you what I'm trying to
19 determine, one way or another, is, I would like
20 to see if there are documents that can reflect
21 who the inspectors were for various years.

22 A. Okay.

23 Q. And I'm looking ultimately for the
24 years 2010/11, the snow years, 2010/11, 11/12,

1 12/13, /13/14, 14/15, 15/16, 16/17, okay? So
2 let me finish this process. Sitting here today,
3 I do not understand if there is a piece of paper
4 that could show me the list of inspectors for
5 those various years. So if you can help me
6 figure out if there are papers or documents that
7 can show me the list, if they are accurate, and
8 explain how they were created.

9 A. Okay. 10/11, and 12, I have to
10 tell you, I don't know. 13/14 is when I
11 inherited, I inherited this sheet. And this is
12 my list of primary inspectors, in the box.

13 Q. Okay. And when you say, this is
14 the list, you're pointing to -- you're picking
15 one of these numbers, Bates Stamp 357, and
16 you're saying that those that are contained in
17 the square box, which is on the left side of
18 357, were your primary inspectors?

19 A. Yes.

20 Q. And let me just clarify something
21 else you said. You said 10, 11 and 12, you
22 don't know?

23 A. I don't know.

24 Q. Does that mean the snow year, 10 to

1 11, 11 to 12 and 12 to 13, you don't know?

2 A. Correct. I'm assuming these were
3 the guys in place at the time, or the people in
4 place, that's what I'm assuming, I have no idea.

5 Q. So you don't know?

6 A. No.

7 Q. And you said that you're assuming
8 that the names that are in the box, that are
9 listed on 357, were the previous years, 10, 11
10 and 12, but you don't know?

11 A. That's my assumption, I don't know.

12 Q. Okay. And what I'm trying to
13 determine is, did you or anybody, while you were
14 working at the DPW in the year 2013 or
15 thereafter, make changes to who was on the
16 primary list, i.e., in that box, as an
17 example --

18 A. Right.

19 Q. -- and changes to either
20 secondaries or backups?

21 A. No. I did not make any changes.

22 Q. For any of the years that we were
23 discussing?

24 A. For this 2013/14.

1 Q. So 2013 to 2014, you did not make
2 any changes to those who were listed as a
3 primary inspector or those who were listed as a
4 backup?

5 A. Correct.

6 Q. Did anybody make changes?

7 A. No.

8 Q. Did Jean Williams work as a snow
9 inspector in 2013 to 14?

10 A. Yes she worked the February
11 snowstorm, the 13th and 14th of February.

12 Q. Okay. So because she worked a
13 storm in 2014, can you assume that she was
14 listed as a primary or backup snow inspector in
15 the previous year?

16 A. I can assume she was listed as a
17 backup.

18 Q. But you have not seen documents and
19 you don't know for sure?

20 A. No. No, 13/14 is what I have. I
21 don't have anything previous.

22 Q. So 13 and 14 are what you have, you
23 have nothing for previous years?

24 A. Correct.

1 inspector ever before?

2 A. He was on -- not that I know of.

3 Q. Okay. So Ed Williamson was added
4 to the Bates stamp 359 list as a primary
5 inspector, correct?

6 A. Correct, yes.

7 Q. For the 2015/16 snow inspection
8 year, correct?

9 A. Yes.

10 Q. And to your knowledge, he had not
11 previously been a snow inspector?

12 A. No.

13 Q. And what does Ed Williamson do?

14 A. He was the foreman that replaced
15 Charles Sumares. He was promoted.

16 Q. Okay. Do you know when he was
17 promoted to foreman?

18 A. Right after Mr. Sumares retired.

19 Q. And do you know whether or not
20 Mr. Williamson had originally applied to be a
21 snow inspector?

22 A. I don't know. I don't remember
23 seeing his name.

24 Q. Do you know whether or not Mr. Ed

1 Williamson asked you to be added to the primary
2 list of inspectors for snow inspectors?

3 A. That was part of his promotional
4 thing -- if he was the foreman, he had to do
5 snow inspecting.

6 Q. Okay. Tell me more about, what you
7 mean by that.

8 A. I was brought up through the system
9 a certain way, and when I promote a foreman, I
10 tell him in the interview, you're going to be a
11 snow inspector, that's the way it is. If you
12 don't want to inspect snow, then you don't want
13 to be a foreman.

14 Q. So this is going back -- so what
15 you do when you hire a foreman is, you make them
16 a snow inspector, yes?

17 A. Yes.

18 Q. And you make them do that job as a
19 snow inspector?

20 A. Yes.

21 Q. Which is a separate and discrete
22 job?

23 A. Yes.

24 Q. Even if they don't want to be?

1 A. Yes.

2 Q. So you actually made Mr. Williamson
3 be a snow inspector when he had not even
4 applied?

5 A. Right. He applied for the foreman
6 job.

7 Q. Okay. And just -- I want to make
8 sure I'm not inferring something --

9 A. Yes.

10 Q. -- but the way I'm taking this from
11 what you said so far is that Mr. Williamson
12 indeed did not apply to be a snow inspector?

13 A. I would have to look through the
14 letters.

15 Q. Okay. Did he ever say to you that
16 he did not want to be a snow inspector?

17 A. No.

18 Q. Did you have a discussion with
19 Mr. Williamson about --

20 A. Yes.

21 MS. deSOUSA: You have to
22 wait.

23 Q. Did you ever have a specific
24 discussion with Mr. Williamson about whether or

1 not he wanted to do the snow inspector duties?

2 A. We talked about it during his
3 interview, yes.

4 Q. And what did he say?

5 A. He said he was willing to be a snow
6 inspector.

7 Q. Okay. But willing to and wanting
8 to are two separate things. So did he express
9 to you a desire for him to want to do those
10 duties?

11 A. He didn't express a negative
12 reaction to it.

13 Q. Okay. But you didn't hear any
14 words that sounded like, I want to do the snow
15 inspector responsibilities?

16 A. Not to that -- no, not that exact
17 wording.

18 Q. I'm trying to get a sense of the
19 reality of the conversation you had with
20 Mr. Williamson, and it's fair to say that you
21 told him he has to do this?

22 A. I put it in the job description as
23 performing.

24 Q. Okay. So you said you put it in

1 the job description. You actually added to the
2 job description for foreman for DPW?

3 A. Yes.

4 Q. When do you think you first edited
5 the foreman job description?

6 A. He probably was the first, because
7 Mr. Sumares was the first foreman to retire
8 under my watch.

9 (Time stamped at 1:55 p.m.)

10 MS. BRODEUR-McGAN: Please
11 mark that question.

12 (Question marked in Index)

13 MS. BRODEUR-McGAN: I'm going
14 to ask that you produce the job
15 description for foreman that you actually
16 drafted, that you just referenced in this
17 deposition, okay?

18 Q. (By Ms. Brodeur-McGan) So going
19 back to -- well, actually, let's look at this
20 document while we have it in front of us, Bates
21 Stamp 359. This document does not have
22 Ms. Williams on the document as a backup,
23 correct?

24 A. Spare inspector, but not under the

1 term backup.

2 Q. And if Ms. Williams had been listed
3 as a backup inspector, in fact, in the previous
4 year, which is listed on 358, correct?

5 A. Yes.

6 Q. Okay. So just focusing on how
7 Ms. Williams got removed from document 359 as a
8 back up, if you could tell me how that happened?

9 A. Yes. She was working with George
10 Larue, who is number -- the 11th name down on
11 357.

12 Q. Okay. And that's relevant because?

13 A. Because he was training her, and
14 when I asked him how she was doing, he told me
15 she wasn't doing what she needed to do.

16 Q. During training?

17 A. Yes. She was pretty much there to
18 be there and didn't care much about what was
19 happening, that's what I was told.

20 Q. And when were you told that?

21 A. After the snowstorm. After he was
22 telling me he was getting ready to retire.

23 Q. And when was that?

24 A. After that season also.

1 A. No.

2 Q. Did anybody ever tell her that?

3 A. No.

4 Q. Why?

5 A. I don't know.

6 Q. Were you made aware that

7 Ms. Williams brought a MCAD complaint?

8 A. Yes.

9 Q. Did she actually tell you that she
10 believed she was being discriminated against?

11 A. Yes.

12 Q. And did you have a face-to-face
13 conversation with her about it?

14 A. I told her that she needed more
15 training.

16 Q. I didn't hear that. I'm sorry?

17 A. She needed more training. She also
18 was not going to get called every storm, backups
19 do not always get called, and I explained that
20 to her. And she wanted to be a primary and I
21 said, you're not ready.

22 Q. Did you ever tell her that you were
23 going to remove her from the list as a backup
24 because Mr. Larue had issues with things that

1 she did while training?

2 A. I removed a lot of people from the
3 backup list. There's a reason for it, and I'm
4 going to tell you why.

5 Q. You have to answer my question.

6 MS. deSOUSA: You have to let
7 her ask the questions.

8 THE WITNESS: I get it.

9 MS. deSOUSA: You're trying to
10 answer a question she hasn't asked you
11 yet.

12 THE WITNESS: I have a hard
13 time with certain -- I'm used to being in
14 charge. I'm sorry.

15 Q. (By Ms. Brodeur-McGan) So my
16 question was, you were having a face-to-face
17 conversation with her about her concerns, and
18 specifically discrimination, correct?

19 A. Yes.

20 Q. And you did not tell her that
21 Mr. Larue had some concerns about her
22 performance while training?

23 A. I didn't say that. I said she
24 needed more training to be a primary.

1 Q. Okay. But you gave me some more
2 background of what Mr. Larue said about her.

3 A. That's what he told me. I asked
4 him to put it in writing and he never did.

5 Q. Okay. Well, you were his
6 supervisor, right?

7 A. Yes.

8 Q. So why didn't you make him put it
9 in writing?

10 A. When I told him to put it in
11 writing, he said he would, and the next thing I
12 know he's retiring. It wasn't like I had much
13 of a chance to get after him.

14 Q. Okay. So you personally removed
15 Ms. Williams from the backup list as a backup
16 inspector?

17 A. Yes.

18 Q. And you did that the year that it
19 came in effect, which was which year?

20 A. '15.

21 Q. So that would have been the 2015 to
22 2016 snow year?

23 A. Yes.

24 Q. Listed on Bates Stamp 359?

1 A. I found out that these individuals
2 were salaried individuals, and they were
3 getting -- besides their salary, they were
4 getting snow rate, snow inspector rate.

5 Q. Okay. So they were actually
6 getting double paid?

7 A. Yes.

8 Q. And when did you first learn that?

9 A. It was before the winter of 15/16.

10 Q. So before the winter of 15/16?

11 A. No, no, I'm sorry, this one here,
12 14/15.

13 Q. So before the winter of 14/15?

14 A. Yes.

15 Q. You learned that certain
16 individuals were salaried and so when they
17 performed this snow inspector role, they were
18 actually getting paid on top of the pay that
19 they're getting from another source, like
20 getting paid twice?

21 A. Yes.

22 Q. Okay. And can you tell me, looking
23 at 359, the names of those individuals that were
24 salaried that you could not use for snow

1 inspectors?

2 A. Phil Dromey, Mark Hebert.

3 Q. Are they listed somewhere?

4 A. Yes, they're on the side bar here.

5 Q. So some of these names say, did not
6 use?

7 A. Yes.

8 Q. Do all the ones that say, did not
9 use, were they salary?

10 A. Yes.

11 Q. So if I'm looking --

12 A. And Phil Dromey should have been.
13 It's right under, did not use, here.

14 Q. Okay. So Fran Connors, salary?

15 A. Yes.

16 Q. Tom McCall, salary?

17 A. Yes.

18 Q. Bobby Williams, salary?

19 A. Yes.

20 Q. Phil Dromey, salary?

21 A. Yes.

22 Q. Mark Hebert, salary?

23 A. Right. And down at the bottom,

24 David Carter, he's salary. I couldn't use him

1 inspectors, period?

2 A. Yes.

3 Q. And you found that out before the
4 14/15 snow season?

5 A. Yes.

6 Q. And how did you find that out?

7 A. It was through the administration
8 with Chris Cignoli. He was telling me that they
9 were salaried employees and they're not supposed
10 to be getting inspector pay also.

11 Q. And was there any discipline to
12 those people, did they know they were double
13 dipping?

14 A. No, they were doing it under the
15 last administration, and no one said anything to
16 them.

17 Q. Okay. And did you personally tell
18 them, at some point, that they couldn't be paid
19 separately for doing snowplow inspections?

20 A. Mr. Cignoli told them.

21 Q. Okay. Now, before I forget, we've
22 talked about primary inspectors, those are the
23 people in the box?

24 A. Mm-hmm.

1 anyways, so I'm just going to do a couple of
2 other things. So can you look at, also in
3 Exhibit 7, Bates 363, and do you know what that
4 document is?

5 A. It's a payroll adjustment sheet.

6 Q. Okay. And what it is used for?

7 A. It was to show snow inspectors out
8 of the department that worked on these
9 particular snowstorms in 2012 and 2013.

10 Q. Okay. So this here has a date on
11 the top of December 29, 2012, correct?

12 A. Yes.

13 Q. And it says, adjustment
14 description, and then it says, next to
15 everybody's names, trained as snowplow
16 inspector, 25 dollars an hour, do you see that?

17 A. Yes.

18 Q. So what does that mean?

19 A. I don't know, but I assume they
20 were trained as snow inspectors at 25 dollars
21 and hour.

22 Q. Okay. And they were paid for that?

23 A. Yes.

24 Q. For instance, Dave Cotter

1 was trained as a snow inspector for 11 hours at
2 25 dollars an hour?

3 A. Yes.

4 Q. And then there's an earnings code
5 of 903?

6 A. That's what it says, yes.

7 Q. Do you know what that earnings code
8 is for?

9 A. No, I don't.

10 Q. Do you know who trained these
11 people?

12 A. No, I don't.

13 Q. Do you know if it was the same
14 person?

15 A. I don't know.

16 Q. Do you know which year they were
17 trained in?

18 A. This was before me. No, I don't.

19 MS. BRODEUR-McGAN: For
20 Attorney deSousa's benefit, one of the
21 supplemental questions will be based on
22 this conversation, at 2:35, at the end of
23 the depo, and I'll put it in the letter.

24 Q. (By Ms. Brodeur-McGan) So do you

1 Q. You have hard documents in the
2 computer?

3 A. No, hard documents.

4 Q. Oh, so you have hard documents and
5 computer access?

6 A. Correct.

7 Q. So what do you physically -- what
8 would you be able to look up to help you make
9 that list?

10 A. I'm going to have to see when the
11 -- I'm going to have to look up and see when
12 they were going and who they were with. I have
13 a few that I know off the top of my head, but
14 it's not going be -- if you want them.

15 Q. Yes, I'll take some off the top of
16 your head.

17 A. Luca Mineo and Connor Knightly.

18 Q. Were those people trained or
19 trainers?

20 A. They were trained. And Tyrone
21 Holt.

22 Q. And he was trained?

23 A. Yes. They had to go out for a full
24 season with someone.

1 Q. And who else?

2 A. And Eddie Williamson.

3 Q. He had to be trained?

4 A. He was trained, yes.

5 Q. And those four names you just

6 thought of off the top of your head, they were
7 trained since you started, which was October of
8 2003, to present?

9 A. 2013.

10 Q. So they were all trained in 2013?

11 A. Yes.

12 MS. deSOUSA: No, I think she
13 was correcting you because you said 2003.
14 So he's not indicating that it was -- that
15 all the training was done in 2013.

16 Q. (By Ms. Brodeur-McGan) Okay. So
17 the four people you just mentioned that were
18 trained, which years were they trained in?

19 A. Eddie Williamson was the 14/15
20 season. Also, Connor Knightly was trained prior
21 to that, the 13/14 season. And Luca Mineo was
22 trained in 13/14 -- wait a minute, let me just
23 doublecheck. Yes, Luca Mineo was trained in
24 13/14.

1 Q. How about Connor Knightly?

2 A. Same thing.

3 Q. And then, how about Tyrone Holt?

4 A. That was the 14/15 season -- I'm
5 sorry, 15/16.

6 Q. Did you make any attempts, you, to
7 have Ms. Williams trained at all, ever, since
8 you've been deputy director?

9 A. Just the 13/14 season.

10 Q. And that you've already referenced
11 with Mr. Larue?

12 A. Yes.

13 Q. And can I show you what I'm talking
14 about -- remember I mentioned that Mr. Larue
15 didn't have time or couldn't train Ms. Williams?

16 A. Sure.

17 Q. Exhibit 4, Page 4 of 7, and if you
18 could read -- feel free to read the statement,
19 but I'm really interested in the answer down
20 here.

21 A. Which section?

22 Q. The second paragraph. And after
23 you read it to yourself, I'll read it out loud
24 and state the question.

1 A. Answer number 6, is that what
2 you're saying?

3 Q. Let me show you. I want you to
4 read this.

5 A. Oh, okay.

6 Q. So I'm going to read something out
7 loud and ask you a question. So page 4 of 7, so
8 page 4 of Exhibit 4, marked today, has an answer
9 of the defendant, given to the MCAD, and says,
10 "As further answering, George Larue was the
11 primary inspector who was training the
12 complainant. That training began during the
13 2012/13 winter season. During the first storms
14 of the 13/14 winter season, he was out and could
15 neither inspect nor train the complainant." So
16 my question is, do you know that Mr. Larue was
17 out during the 13/14 season and could not train
18 and/or inspect the work of Ms. Williams?

19 A. I would have to look it up. I
20 don't know that for sure.

21 Q. Do you know -- remember, you did
22 sign this document, right, your signature is on
23 here?

24 A. I do.

1 Q. And do you remember reading that
2 before?

3 A. No.

4 Q. Do you know where that information
5 came from?

6 A. No.

7 Q. Do you know who would know where
8 that information came from?

9 A. That could have been Mario. Like I
10 said, we were working on it together.

11 Q. Do you remember Mr. Larue being out
12 during the entire winter season, as listed?

13 A. He wasn't out during the entire
14 winter season.

15 Q. Okay.

16 A. He might have been out the first
17 storm of 2013/14, but he trained her on January
18 3, 2014.

19 Q. Okay. So do you have any idea what
20 that means?

21 MS. deSOUSA: I think what
22 he's referring to, for the record, is the
23 part reading during the first storm of the
24 2013/14 winter season.

1 A. He was out, okay, but he was back
2 by January, which was the same season.

3 Q. So on page 5 of 7, I'm going to
4 read this, it says, "He felt that she needed
5 more training before she could go out on her
6 own. That training took place and was completed
7 when the complainant and Mr. Larue went out
8 together in response to snowfall on January 3,
9 2014."

10 A. Right.

11 Q. Did I read that accurately?

12 A. Yes.

13 Q. Was her training completed on
14 January 3, 2014?

15 A. Not that I felt, no.

16 Q. Okay. But this document says her
17 training was completed on January 3, 2014,
18 correct?

19 A. That's what it says, yes.

20 Q. Do you have any reason to believe
21 that it's inaccurate?

22 A. I might have misread it. I don't
23 know.

24 Q. Okay. Well, sitting here today --

1 MS. deSOUSA: I'm going to ask
2 that he be allowed to read the entire
3 paragraph.

4 A. You're assuming that completed
5 means that she was fully trained. That's not
6 what that says, from my look. It says training
7 took place and was completed on this snowstorm.
8 That doesn't mean that her training was
9 completed, that particular day was. That's how
10 I read it.

11 Q. So the sentence that says that the
12 training took place and was completed when the
13 complainant and Mr. Larue went out together in
14 response to snowfall on January 3, 2014, does
15 not mean that her training was completed on
16 January 3, 2014?

17 A. That's how I read it.

18 Q. Okay. So was there additional
19 training that she had after January 3, 2014 that
20 you were aware of?

21 A. February 14, 2014.

22 Q. Okay. And do you know who did
23 that?

24 A. Mr. Larue.

1 Q. (By Ms. Brodeur-McGan) Let me
2 rephrase this. There's nothing in the
3 documentation that was given to the MCAD that
4 memorialized that you inspected Ms. Williams'
5 inspection work after the storm of February 14,
6 2014 and you felt she had done a poor job?

7 A. Correct. They didn't ask me that.
8 I responded to the questions they asked me.

9 Q. Okay. So did you remove
10 Ms. Williams as an inspector because she had
11 done a poor job?

12 A. No, I removed her because I was
13 trying to get people with a base skill back into
14 the system like it used to be. People that knew
15 the roads, people that deal with vendors, people
16 that deal with contractors, people that deal
17 with complaints, people that deal with resident
18 complaints.

19 Q. And how did you accomplish that?

20 A. By going with foremen, working
21 foremen, code enforcers who have to deal with
22 irate people every day, who know the streets
23 better than anybody, people that are always
24 there. That's how I went by.

1 A. I added Connor Knightly, Luca
2 Mineo, Tyrone Holt.

3 Q. And who else?

4 A. Nobody.

5 Q. And when did you add them?

6 A. After the 2014 season.

7 Q. So after 2014/15 snow season?

8 A. Hang on. At different times. A
9 couple of them were -- Luca and Connor were
10 2014/15. Tyrone was not until 2015/16, and
11 Eddie was right after Mr. Sumares retired in
12 2014.

13 Q. And they had to be trained?

14 A. Yes.

15 Q. And you had to pay them to train?

16 A. Yes.

17 Q. Okay. Did you ever consider
18 training Jean Williams properly to do the
19 function of snow inspector?

20 A. No.

21 Q. Why not?

22 A. I just didn't.

23 Q. Okay. And the list on 363 of
24 people that were trained, it says, trained as

1 snow inspector?

2 A. Yes.

3 Q. Ms. Williams' name is not on here?

4 A. They are out of the DPW Department,
5 that's why.

6 Q. Okay. If you could look at 364,
7 just tell me what that document is?

8 A. It's entitled the same, it's for
9 out of department employees.

10 Q. So it's entitled One Time Payroll
11 Adjustment?

12 A. Right.

13 Q. So do you believe this is the same
14 thing as 363, the list of people trained to do
15 snowplow inspecting that were not part of the
16 DPW?

17 A. Correct. It looks like they
18 changed some of the columns from 2012 to 2013
19 and added a Munis code and a pay rate.

20 Q. And the earnings code, do you think
21 that's a training code, the 903?

22 A. I don't. I wouldn't -- that would
23 be speculating. I don't know.

24 Q. And this training list for outside

1 wanted to hire for that posting?

2 A. Correct.

3 Q. You only assume they were going to
4 do 20 and 20 because it's logical?

5 A. Correct.

6 Q. And you have not had specific
7 conversations with anybody about that?

8 A. No.

9 Q. Now, do you remember the 2013
10 posting?

11 A. Yes.

12 Q. That did list 20 and 20, correct?

13 A. I would have to see that.

14 Q. Let's find it.

15 MS. deSOUSA: So can I just
16 stop you for a minute?

17 MS. BRODEUR-McGAN: Sure.

18 MS. deSOUSA: The answer to --
19 the question that this respondent's
20 position statement is answering
21 specifically references the October
22 posting.

23 MS. BRODEUR-McGAN: Okay. But
24 the answer says other things, like it

1 talks about other things.

2 MS. deSOUSA: Okay. But I

3 just --

4 MS. BRODEUR-McGAN: That's why

5 I wanted him to read the whole thing, and

6 maybe that's the explanation of why it

7 reads one way and they think it means

8 something else. But when I read it, I

9 read it to mean something different. So

10 that's why I'm giving him the opportunity

11 to read the whole thing in answering.

12 MS. deSOUSA: Okay.

13 Q. (By Ms. Brodeur-McGan) So Bates

14 Stamp 139 and 140 are the -- and they're here --

15 139 is the September 2012 job description, if

16 you will, correct?

17 A. Yes.

18 Q. And that doesn't say anything about

19 numbers of snow inspectors?

20 A. No. It's just the job description.

21 Q. And 140 is the posting?

22 A. For 2013, yes.

23 Q. And it has 40 intermittent snow

24 inspectors, correct?

1 A. Yes.

2 Q. And then in the body of this
3 document, 140, it talks about 20 primary and 20
4 backup?

5 A. Yes.

6 Q. And you were at the department at
7 this time, October of 2013, when this would have
8 been posted, correct?

9 A. Yes.

10 Q. And did you have discussions about
11 how this was going to be worded or drafted?

12 A. No, I was here four days when this
13 was posted.

14 Q. Okay. You had only been there for
15 four days?

16 A. Yes.

17 Q. Four days before you joined DPW and
18 then this was posted?

19 A. Yes.

20 Q. And you did not participate in any
21 discussions about why it was going to be 20 and
22 20?

23 A. No.

24 Q. And you didn't give any input on

1 that?

2 A. No, no one asked.

3 Q. And you don't have any -- you don't
4 have any information that you can tell me as to
5 why it was 20 and 20 that was created?

6 A. No, just what I -- just by logical
7 deduction, I guess.

8 Q. Okay. If you could look at 141.
9 141 is a posting from October of 2012, correct?

10 A. Correct.

11 Q. And this does say 40 snow route
12 inspectors, correct?

13 A. Yes.

14 Q. And it does not talk about primary
15 or secondary?

16 A. No.

17 Q. Okay. And did you ever count the
18 applications that you got in 2012 for this
19 posting?

20 A. I did. I don't remember the
21 number.

22 Q. Do you remember there were 39
23 people that applied?

24 A. Yes.